

Customer No.: 31561  
Application No.: 10/064,797  
Docket No.: 8248-US-PA

### REMARKS

#### **I. Present Status of the Application**

The Office Action objected the Abstract. The Office Action also rejected claims 1-3 and 7-9 under 35 U.S.C. § 102(e) as being anticipated by Yap (US 2002/0190823), and rejected claims 4-6 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Yap as applied to claims 1-3 and 7-9 above, and further in view of Price et al. (US 5,561,282).

Upon entry of the amendments in this response, the abstract is amended. Claims 1-12 remain unchanged. Applicants believe that the foregoing amendments do not introduce new matter, and that the original claims are neither anticipated by nor obvious over the cited prior art references. Reconsideration of the patentability of the claims is respectfully requested.

#### **II. Response to Objections and Rejections**

##### **A. Objection to the abstract**

The Office Action, at page 2, objected the abstract of the disclosure "because of top of the page repeats the title and the word count exceeds 150." Applicants respectfully disagree with the statement. The word count of the original abstract is 146 words, and the language of the abstract does not merely repeat the title of the application. But

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nevertheless, Applicants amended the abstract as a matter of form. Accordingly, Applicants respectfully submit that the objection should be withdrawn.

**B. Rejections under 35 U.S.C. § 102(e)**

The Office Action, at pages 2-5, rejected claims 1-3 and 7-9 under 35 U.S.C. § 102(e) as being anticipated by Yap (US 2002/0190823). Applicants respectfully traverse the rejection for at least the reasons set forth below.

To anticipate a claim, the prior art reference must teach each and every element of the claim. M.P.E.P. § 2131.

The independent claims 1 and 7 recites, respectively, that the stylus (1300) has a retaining slot (1310) formed thereon, and that the retainer (1600) includes a protruding clamping member (1610) that inserts in the retaining slot (1310) of the stylus (1300) to hold and immobilize the stylus (1300).

Yap, on the other hand, discloses a pen ejector mechanism using electromagnetism to lock and eject a pen, rather than using a mechanical mechanism like the present invention as defined in claims 1 and 7 to lock and eject a pen. Moreover, Yap's invention is directed to depart from mechanical locking and ejecting mechanism (paragraph [0006]), while the present invention as defined in the independent claims relates to a mechanical locking and ejecting mechanism. In addition, Applicants cannot find the retaining slot, the retainer and the clamping member in Yap at the places where Examiner has indicated. For

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example, in page 1, paragraph [0008], lines 2 and 3 of Yap, Applicants cannot find that the stylus has a retaining slot as indicated in the Office Action, at page 3, line 3. The notch (32) taught by Yap (paragraph [0036], page 3) is different from the claimed member of the retainer of the present invention; the notch (32) of Yap is used to restrict the pen tip (20) to move inwardly within the housing (17), while the clamping member (1610) of the present invention is used to insert in the retaining slot (1310) of the stylus (1300) to hold and immobilize the stylus (1300). Finally, as the cited Yap purely uses magnetic force to eject an inserted pen, it does not need to store any resilient force in order to eject the inserted pen. Nevertheless, since the present invention uses mechanical force to eject an inserted pen, independent claims 1 and 7 of the present invention have clearly defined that resilience force is stored at a first stage of operation, and released to eject an inserted stylus at a second stage of operation. Such features of the present invention are not disclosed in the device (10) invented by Yap. Yap does not disclose a retaining slot on a stylus and a retainer including a protruding clamping member that inserts in the retaining slot of the stylus to hold and immobilize the stylus, and resilient force for ejecting an inserted stylus. Therefore, Yap does not anticipate claims 1 and 7 since Yap does not disclose each and every element of the claims. Consequently, Yap does not anticipate claims 2, 3, 8 and 9, as they are dependent on claim 1 or 7.

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Accordingly, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

**C. Rejections under 35 U.S.C. § 103(a)**

The Office Action, at pages 5-8, rejected claims 4-6 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Yap as applied to claims 1-3 and 7-9 above, and further in view of Price et al. (US 5,561,282). Applicants respectfully traverse the rejection for at least the reasons set forth below.

To establish prima facie obviousness of a claimed invention, all the claim limitation must be taught or suggested by the prior art. M.P.E.P. § 2143.

As mentioned in the foregoing section, Yap fails to teach the features recited in the independent claims 1 and 7 that the stylus has a retaining slot and that the protruding clamping member of the retainer inserts in the retaining slot to hold the stylus. Moreover, there is no requisite suggestion or motivation to combine the references or modify the reference teachings to add the foregoing features as recited in claims 1 and 7.

Absence of any suggestion or motivation to modifying the prior art teachings by adding the foregoing claimed features, claims 4-6 and 10-12, having all of the elements of the base claim 1 or 7, are not rendered obvious over the prior art references.

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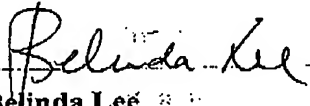
**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date :

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